

REMARKS

Claims 1-4 are pending in the Application. Claims 1-4 are rejected under 35 U.S.C. §103(a). Applicants respectfully traverse these rejections for at least the reasons stated below and respectfully request that the Examiner reconsider and withdraw these rejections.

I. REJECTIONS UNDER 35 U.S.C. §103(a):

The Examiner has rejected claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over Minyard et al. (U.S. Patent No. 6,487,606) (hereinafter "Minyard") in view of Bass et al. (U.S. Patent No. 6,460,120) (hereinafter "Bass"). Paper No. 12, page 3. The reference Bass, which only qualifies as prior art under 35 U.S.C. § 102(e), does not preclude patentability under 35 U.S.C. §103 since Bas and the claimed invention in claims 1-4 were at the time the invention was made, subject to an obligation of assignment to the same person, which in this case was International Business Machines Corporation. Thus, Bass is disqualified as being used as a prior art reference under 35 U.S.C. §103(c). Consequently, the rejections of claims 1-4 are moot.

II. CONCLUSION

As a result of the foregoing, it is asserted by Applicants that claims 1-4 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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